
Z-2511
HLH PROPERTIES, LLC
R1 to NB

STAFF REPORT
November 15, 2012

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is the owner and represented by legal counsel Mark DeYoung and Schneider Corp., is requesting rezoning of Lot 366 in Bar Barry Heights Subdivision (the southeast corner of Kent and Salisbury Street), 915 Kent Avenue, West Lafayette, Wabash 7 (NE) 23-4. Petitioner plans to raze the house on site and build a parking lot to serve their existing accounting office to the south.

ZONING HISTORY AND AREA ZONING PATTERNS:

The subject site has been zoned residentially since at least 1965. Properties fronting Sagamore Parkway are zoned NB, Neighborhood Business. This site, zoned R1, forms part of the southern boundary between commercial and residential zoning; all properties on the eastside of Salisbury stretching to north and east all the way to the corporation boundary are zoned residential.

Zoning west of Salisbury is more diverse, reflecting a variety of uses including General Business, Office Related, Medical Related and Multi-Family Residential. There has been no rezoning activity in the immediate area. Two variances were granted in May 2011 for the property to the south of petitioner's business: a reduction in both parking spaces and required greenspace coverage (BZA-1827).

AREA LAND USE PATTERNS:

The property currently supports a single-family dwelling. Directly south of the site is petitioner's existing accounting office, Heman Lawson Hawks, LLP. Commercial uses dominate the intersection of Sagamore Parkway and Salisbury including restaurants, drug stores, a printing shop and a grocery store.

Residential uses dominate to the north and east.

TRAFFIC AND TRANSPORTATION:

Petitioner's use, an accounting service, requires one parking space per 200 square feet of gross floor area. According to the submitted site plan, the building is 4,836.5 sq. ft. thus requiring 25 parking spaces; if this rezone is approved and the new parking lot is built, the use will exceed UZO standards with 33 spaces. Current conditions on the site show 22 spaces with four spaces backing up directly onto Salisbury. Petitioner has indicated these spaces would be removed and a curb installed, restricting access on

Salisbury to a single driveway. In fact, this improvement will make it easier to coordinate access when West Lafayette makes improvements to Salisbury.

As shown in the non-binding site plan, the existing residential drive off of Kent will remain though the West Lafayette City Engineer's office would prefer petitioner to move that drive farther east away from the corner and will approve driveway location(s) at the building permit stage. Because these properties are two separate lots, and petitioner has no intentions of replatting (and in fact would not have to) petitioner will be required to submit an off-site parking agreement to the satisfaction of the West Lafayette Engineer's Office and the City Attorney.

Staff would prefer petitioner replat the property and close off access to Kent Avenue for two reasons: 1) it would reduce negative impact of a commercial use lining Kent and keep increased traffic on the primary arterial (Salisbury); and 2) it would prevent the possibility of petitioner selling the subject property as a separate commercially zoned lot that could be redeveloped.

CityBus has indicated that they have an existing bus stop on the subject property. As this is a heavily traveled route, a new shelter is needed in the near future.

ENVIRONMENTAL CONSIDERATIONS:

A 20' wide Type C bufferyard is required where NB zoning abuts R1; it is shown on petitioner's submitted site plan.

The site of petitioner's current business to the south does not meet the 50% greenspace coverage requirements of the ordinance or West Lafayette's ordinance. However, the subject property, if rezoned, would likely comply with both the ordinance and West Lafayette's greenspace requirements.

STAFF COMMENTS:

Petitioner's existing accounting office is located on the property just south of this site. The proposed rezone is to accommodate additional parking. The current business site is non-conforming with regard to parking; 25 are required, 22 are shown. Additionally, four of these spaces have unrestricted access to Salisbury. Removing these spaces significantly improves safety and controls the entrance onto Salisbury. However, several factors should be taken into consideration when making land use decisions, not singular concerns.

This property is located at the extreme southern end of a solidly residential portion of West Lafayette and along a residential corridor (Kent). Staff experience indicates that a commercial rezone of a corner lot can promote additional attempts along the arterial. This phenomenon has the effect of changing the character of a solidly residential neighborhood. While there is very low likelihood of additional property owners north across Kent requesting commercial zoning, this request does represent encroachment into the neighborhood.

Beyond the effects on the existing neighborhood and the three residential properties on this blockface, changes in zoning districts prove less of an impact along rear property lines, rather than across streets facing the front of a property. All the houses along Kent (including the subject property) face the street. The impact of a zoning change is much less when located at the rear property lines of properties that face Kent than it would be for the homes on the north side of the street that would front this commercially zoned lot and its driveway. Staff does not support the proposed rezone, but if approved would recommend that petitioners do not utilize the access onto Kent, and instead direct traffic onto Salisbury, an already busy and commercial arterial. Additionally, staff also believes petitioners should replat the two lots into a single lot to reduce the possibility that the subject property could be sold as a separate and developable commercial lot by right with no protections afforded to the neighborhood.

Though petitioner's lot does not meet parking requirements, it is not uncommon for clustered commercial uses, like petitioner's site, to have cross access easements and shared parking agreements. There are other options available to make this property conforming that do not involve introducing commercial zoning, with no protection against adverse affects to adjacent properties, into an established residential neighborhood.

STAFF RECOMMENDATION:

Denial